



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,368	09/12/2003	Anthony Joonkyoo Yun	PALO-001	6690

24353 7590 05/11/2006

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

EXAMINER

GETZOW, SCOTT M

ART UNIT	PAPER NUMBER
----------	--------------

3762

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 103

1. Claims 1-11,18,21,24,26,30-33,37-39,45-47,52,63,64,74,76,80 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (2004/0210261).

Applicant has added the phrase “to a ratio analogous to that observed in a health [y] subject”, to the independent claims. It is considered to have been obvious to the ordinarily skilled artisan to electrically modulate activity of the patient's autonomic activity, as set forth in King, to a degree that health is achieved in the subject. That is, the desired outcome of the patient's treatment is obviously that whereby the ratio of parasympathetic to sympathetic activity corresponds to a healthy subject.

2. Claims 40-44,48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Hill.

See previous office action.

Allowable Subject Matter

3. Claims 53-62 are allowed.
4. Claims 12-17,19,20,22,23,25,27-29,65-73,75,77-79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3762

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

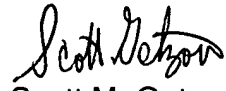
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Getzow whose telephone number is (571) 272-4946. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Scott M. Getzow
Primary Examiner
Art Unit 3762

SMG